

In re application of Confirmation No. 2053

Attorney Docket No. 2001-0327A Yoshinori IKETAKI et al.

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Serial No. 09/814,125 Group Art Unit 2872

Filed March 22, 2001 Examiner Audrey Y. Chang

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The owners, Olympus Optical Co., Ltd., and Japan Science and Technology Agency, of 100% interest in the instant application, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,667,830, issued December 23, 2003. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims cancelled by a reexamination

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I hereby declare that all statements made herein of my own knowledge are true and that all

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were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

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thereon.

The undersigned is empowered to act on behalf of the organization.

X The undersigned is an attorney of record.

July 6, 2004

By:

Nils. E. Pedersen, Reg. No. 33,145

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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